

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 8TH NOVEMBER 2006 / 17TH KARTHIKA 1928

Bail Appl..No. 6371 of 2006()

CRIME NO.294/2006 OF VADAKKEKKARA POLICE STATION
CRMP.2561/2006 of J.M.F.C.,PARAVUR
.....

PETITIONER/4TH ACCUSED

RAJESH, AGED 28 YEARS,
S/O.MOHANAN, RESIDING AT PANAMBIL VEEDU,
PUTHUVAIPU KARA, ERNAKULAM DISTRICT.

BY ADV. SRI.V.C.JAMES
SRI.GEORGE MECHERY
SRI.DEEPU JAMES

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 08/11/2006, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

J.M.JAMES, J.

B.A. No. 6371 of 2006

Dated this the 8th day of November, 2006

O R D E R

The petitioner is the fourth accused in Crime No.294/2006 of Vadakkekara Police Station, for the offence punishable under Sections 395 and 435 I.P.C., read with Section 34 of the Indian Penal Code. The prosecution alleges that on 15/07/2006, the accused travelled in an Ambassador car, driven by the petitioner, the fourth accused. The employees of the de facto complainant were carrying Rs.35 lakhs, in an Indica car. On getting information, the accused had intercepted the Indica car, robbed the entire Rs.35 lakhs and, thereafter, set fire to the Indica car. The accused have shared the booty among themselves. The petitioner disclosed that he had received Rs.5 lakhs, a portion of which has been recovered by the Investigating Officer. The balance amount has been spent for buying various articles and the same also had been recovered. Accused Nos.2, 3 and 5, are still at large. On arrest of accused Nos.4 and 1, some portion of the amounts have been recovered

from them. The investigation is not complete. The petitioner is before this Court for bail, as he was arrested on 14/08/2006.

2. The prosecution gave the details of the operation of the accused persons. It is also submitted by the learned Public Prosecutor that a major portion of Rs.35 lakhs, robbed, had not been recovered because of the non-arrest of accused Nos.2, 3 and 5. The investigation is only half way through.

3. In the above facts situation, I am of the opinion that, it is not further necessary for the Investigating Officer to pray that the petitioner be kept in judicial custody, as he had already been questioned and recovery effected in respect of the portion of the money that has been received by him, from the total amount of Rs.35 lakhs.

4. In the light of the submissions made by either side and the duration of judicial detention from 14/08/2006, I grant bail to the petitioner and release him from jail, subject to the following conditions:-

- i. The petitioner shall execute a bond for Rs.50,000/-, with two solvent sureties each for the like sum, to the satisfaction of the Judicial

Magistrate of the First Class, N.Paravur.

ii. The petitioner shall report before the Investigating Officer, once in a week, on every Satur

day, between 10 a.m and 11 a.m, for a period of six months, starting from 11/11/2006 and thereafter, on the first working day of every month, between the same timings, till the completion of the trial and disposal of the sessions case.

iii. The petitioner shall not interfere with the further investigation, tamper with the evidence, threaten or attempt to influence the witnesses, or cause any hindrance during the trial of the sessions case.

iv. The petitioner shall not leave the State of Kerala, until the completion of the trial and final disposal of the sessions case.

(J.M.JAMES)
Judge

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